

November 9, 2009

Frank Ancarrow
110 Creek Circle
Seaford, Virginia 23696

To: York County Wetlands Board

Reference: VMRC #09-0806
L. Scott Trainum

Dear Board Members:

This letter is written to both express my appreciation to the Board for the consideration given to the concerns expressed at the October meeting regarding the referenced project, and to express my uneasiness with the possible outcome of the upcoming meeting.

I am obviously concerned that modest revisions will be made and a revised proposal that does not address our concerns, interests, and property rights will be approved, one that will disregard the conclusions reached at the October meeting:

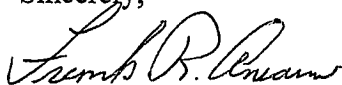
1. The project is far in excess of that required to prevent erosion,
2. A living shoreline can be created without breakwaters through a system of rip rap and plantings, without the need for fill, and
3. The proposed fill and potential unpredictability of disturbing a stabilized shoreline constitute a significant threat to adjacent property owners.

By now we had hoped that there would be some idea of what the revised proposal would contain. However, I realize that is not a requirement. At the meeting there will be limited time to respond, unprepared, to any revised proposal. We are normally limited to three minutes, without the opportunity to engage in any follow-up dialogue.

I trust by now that each of the Board members has taken the opportunity to read and evaluate the concerns previously made available in the form of letters, presentations, and material left behind at the last meeting. The concerns represent the consensus of multiple adjacent property owners. I have attached a copy of the presentation I previously prepared, the contents of which were abbreviated at the meeting due to time constraints.

Again, thank you for taking our interests into consideration. The outcome of this project is of extreme importance to us.

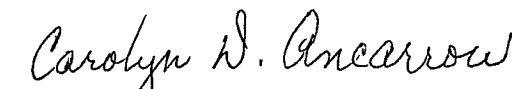
Sincerely,



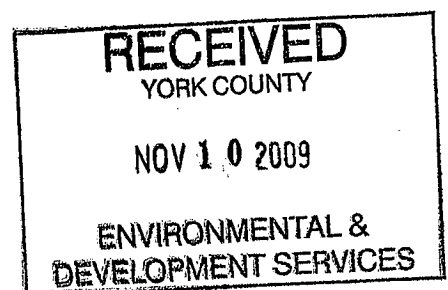
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Carolyn D. Ancarrow



Presentation to the York County Wetlands and Chesapeake Bay Board
October 8, 2009

Reference: VMRC #09-0806
L. Scott Trainum

Dear Board Members:

The following thoughts are a follow-up to my previous concerns expressed in my July 13, 2009 letter (copy attached). Most of my concerns remain.

The shoreline in question has spent the fifty years since dredging and filling was completed stabilizing and reaching equilibrium. To dump 6500 cu yds of fill with 100% certainty that it will remain in place is ludicrous. I can assure you that much sand could easily be displaced in a single storm, and either way it goes it would fill an adjacent channel. Every storm has its own personality. To place massive amounts of stone extending over 100 feet into existing waters at an elevation of five feet without knowing with certainty how the dynamics of the adjacent areas will be affected is irresponsible.

Although there is general discussion of prevailing conditions at the site, in the entire 36 page document there is no substantive analysis, calculations, or scientific evidence to justify or guarantee the long term success of this project. On a long stretch of straight shoreline results are probably predictable, but those conditions do not exist at this more complicated site. Conclusions could only have been reached based on a limited amount of site specific observation and experience with conditions at other locations which could be completely un-similar.

In fact, much of the provided documentation argues against the proposed project for the purpose of erosion control, including:

- Recommendations by Mr. Vanlandingham of the Department of Conservation and Recreation.
- A statement that expected erosion in the immediate area is expected to be < 1 ft/yr for unprotected shoreline.
- Recommendations that both shoreline protection and restoration of vegetation can be accomplished using rip rap placed parallel to the shoreline.
- Aerial photographs taken since York Point was developed in the 1950's showing very little erosion since that time, even during those periods when no protection was provided.

The Chesapeake Bay Preservation Act requires as a minimum that:

- "Any proposed shoreline erosion control measures are *necessary and consistent with the nature of the erosion occurring on the site....*" (Improvement in the construction of the existing erosion control is necessary, but the proposed construction is definitely not consistent with the nature of the erosion.)
- "Proposed land disturbance has been *minimized*." (The project is massive. Truck traffic and the general activity of heavy construction equipment will be excessive.)

- “The project is consistent with the *locality’s comprehensive plan*.” (The proposed development is far in excess of what adjacent property owners have been told would be allowed.)

It is not unreasonable to expect a professional civil engineer associated with the firm to come before the Board and state that the proposed construction is “necessary and consistent”, and provide assurances (without hiding behind the exclusion of acts of God) that the 6500 cu yd of fill will not pose a threat. Nowhere in the proposal does it address the risk or probability of the success of this project.

Although the attachments to his recommendations were not included with the proposal, Mr. Vanlandingham’s letter of recommendation, included with the proposal, clearly recommends a more conventional approach to protection and nourishment, one which would not threaten adjacent property owners. He also acknowledges that the results can not be guaranteed, as there are many variables involved.

The entire York Point area was created from tidal wetlands in a way that would not be allowed today. Doesn’t it make more sense to create the nourishment area from previously spoiled land in a way that would pose less risk to adjacent property owners? The owner has almost three existing acres of land. If his intentions are sincere, the equivalent nourishment area could easily be created from existing space without giving up any of the area required for his proposed home site.

Doesn’t a person’s property extend to the low water line? Wouldn’t approval essentially give approximately two-thirds an acre of publically owned waters to a private owner? The area in question has been used by local residents for many years. This season it has been used by at least one waterman to harvest crabs. I have put crab pots in the same area in past years, and I briefly kept a gill net in these waters. How can access to these waters be taken away and given to a single homeowner?

How will the almost half acre be deeded and what are the legal responsibilities if the proposed vegetation does not sustain itself or if fill material closes adjacent channels? Is the owner or future owner required to ensure its survival? I am having to cut down two dead trees, and as you know our deed will be amended to ensure that the survival of the approved replacement landscaping is forever assured. Would similar provisions be amended to the property in question?

I haven’t seen significant vegetation forming in similar situations, which tells me that vegetation may not prove to be sustainable. If a sandy beach prevails over the intended vegetation, and since it was created from public waters, will it remain public property and be accessible for public use from the water side?

Are there any unintended consequences? Although recognized as an effective means of erosion control, much of the information on the proposed Spartina plantings describes them as an invasive species in some areas, imported to this country in about 1870, that can spread into unintended areas and choke out native plant and animal species.

Part of the intrinsic value of the homes along the west side of Creek Circle is the view and access to deep water. Both of the values would either be threatened or taken away by this project. We endure pests and the constant threat of storm damage to enjoy these privileges, and I feel that there is a responsibility for not allowing them to be taken away. Without the benefit of legal advice, I can only assume property owners have protection under the law.

In my earlier correspondence I asked if a complete environmental evaluation had been made. It has not. In its absence, I made an attempt. However, in spite of extensive research, I was never able to quantify the positive effects of the Spartina plantings. I was able to make a partial estimate of the environmental impact, estimating diesel fuel consumption for trucks and heavy equipment, and conservatively estimated that construction alone would create an immediate release of 130 tons of CO₂, not counting the associated atmospheric emissions resulting from fossil fuel combustion. A more moderate approach would drastically reduce these numbers. How long would it take for the proposed vegetation to environmentally offset that amount of heat and greenhouse gas emissions? Even if there is an environmental payback, it would occur over perhaps decades to come.

In July I sent a letter of concern to all parties. The owner and his commissioned representatives have had your attention for ten months and at multiple site visits. Our opportunity to discuss the project is limited to a few minutes here tonight. Unless this proposal is voted down, I would propose that the board and other interested parties afford us the opportunity to meet on our property to address our concerns. I would also make available a suitable small boat so that the staked area can be seen from all viewpoints. I worry that some visual perspective is distorted when viewed at a shallow angle from the site. Denying approval would also afford the homeowners opportunity to seek legal advice and to employ the services of an independent civil engineer.

In summary, if the project

1. cannot be justified for erosion control,
2. has not been proved to justify itself based on environmental value, and
3. poses a threat to adjacent property owners,

how can it possibly be allowed to move forward?

Sincerely,

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